

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the outstanding Office Action mailed February 23, 2005. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1, 13, 21, 27, 29-32, 38-40, 42, 44-46, and 48-49 have been amended, e.g., to make typographical changes. Claim 41 has been canceled without prejudice. Accordingly, claims 1-40 and 42-52 remain pending.

Allowed and Allowable Subject Matter

Claims 23-26, 36-37, 46-47, and 49-52 are allowed. Claims 4-12, 18-20, 34-35, and 40-41 are indicated to be allowable if rewritten to include all of the recitations of the base claim and any intervening claims.

Formalities

The undersigned would like to thank Examiner Bollinger for clarifying the rejection of claims 27-31, 39, 42-45, and 48 under 35 U.S.C. §112, 2nd paragraph, and 35 U.S.C. §101. In particular, the outstanding Office Action identifies specific lines within claims 27, 29, 31, 39, 42, 45, and 48 that include apparatus recitations. As detailed above, claims 27, 29, 31, 39, 42, 45, and 48 have been amended to make typographical changes to convert apparatus recitations to method recitations. The undersigned was, however, unable to find any such issues with claims 28, 30, and 43-44. The Office Action also fails to specifically indicate any problems with claims 28, 30, and 43-44 other than

depending on rejected base claims. Hence, the rejection of claims 27-31, 39, 42-45, and 48 under 35 U.S.C. §112, 2nd paragraph, and 35 U.S.C. §101 is moot and these claims are in condition for allowance.

Outstanding Rejections

Claims 1-3, 13-15, 17, 21, 22, 27, 32, 33, 38, 39, and 42 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,182,963 to Yergenson (hereinafter "the '963 patent"). Claim 16 stands rejected under 35 U.S.C. §103(a) over the '963 patent in view of U.S. Patent No. 6,231,176 to Peter (hereinafter "the '176 patent"). Each of these rejections is fully addressed below.

With respect to the outstanding rejection of claims 2-3, 13-15, 17, 21, 22, 27, 32, 33, 38, 39, and 42 under 35 U.S.C. §102(b), the outstanding Office Action again fails to recite any support. Pursuant to M.P.E.P. §706, applicant respectfully renews its request that the Office clearly articulate any rejection so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely. The Office is additionally reminded of the requirements of M.P.E.P. §2131 that states a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Accordingly, it is respectfully submitted that these rejections are moot. However, if a third Office Action is to be mailed in the present case,

applicant respectfully requests a formal withdrawal of these rejections or specific support for such rejections.

CLAIMS 1-22, 27-35, 42-45, AND 48

Without limiting the scope of the invention, to expedite the prosecution of the present application and to make typographical changes and in an effort to impart precision to the claims (e.g., by more particularly pointing out various embodiments, rather than to avoid prior art), independent claims 1, 13, 21, 27, 32, and 42 have been amended as detailed above.

As amended, claims 1, 13, 21, 27, 32, and 42 in part recite a biasing structure, device, or means that is "retractably" received within an opening." It is respectfully submitted that none of the cited references appear to teach and disclose the claimed combination of features such as set forth in the amended claims 1, 13, 21, 27, 32, and 42. Also, the outstanding Office Action does not suggest otherwise. In fact, the outstanding Office Action indicates that at least a portion of a similar recitation (such as the language previously recited by claim 4) would be allowable. Accordingly, claims 1, 13, 21, 27, 32, and 42 are in condition for allowance.

Claims 2-12, 14-20, 22, 28-31, 33-35, and 43-45 depend from claims 1, 13, 21, 27, 32, and 42, respectively, and should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

CLAIMS 38-40

The outstanding Office Action indicates that the previous claim 41 would be allowable if rewritten to include all of the recitations of the base claim and any intervening claims. Claim 38, as amended, includes the recitations of the canceled claim 41. Accordingly, claim 38 is in condition for allowance.

Claims 39-40 depend from claim 38 and should be allowable for at least similar reasons as claim 38, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Conclusion

Reconsideration and allowance of all claims is respectfully requested.

The Examiner is urged to telephone the undersigned if that would expedite prosecution of the application.

Respectfully Submitted,
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